

FILED
CLERK OF COURT
JUN 3 2005
15 11-2 P 138

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL HUNTER

Petitioner,

v.

LUIS SPENCER

Respondent,

)
)
)
) Civil Action No. 05-10904-NG
)
)
)
)

PETITIONER'S MOTION TO DENY
RESPONDENT'S MOTION TO DISMISS

Now comes the defendant Michael K. Hunter in forma pauperis in the above entitled matter and, respectfully moves this Honorable court, to deny the Motion To Dismiss Petition For Writ Of Habeas Corpus Filed by the respondent.

As grounds therefore, the petitioner states that the petition is not time barred as to his exhausting state remedies pursuant to *Rose v. Lundy*, 455 U.S. 509 (1982).

As further grounds for this motion, defendant incorporates and relies upon the accompanying memorandum of law.

Dated this 2 day of June, 2005

Michael K. Hunter

Michael K. Hunter,
In forma pauperis
P.O. Box 43
Norfolk, MA 02156

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on

Susanne G. Reardon
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, MA 02108

By first class mail, postage prepaid on June 2, 2005

Michael K. Hunter

Michael K. Hunter,
In forma pauperis
P.O. Box 43
Norfolk, MA 02056